

03599.017390

PATENT APPLICATION

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
ATSUSHI YASUNO ) : Examiner: Eric B. Fuller  
Application No.: 10/609,470 ) : Group Art Unit: 1762  
Filed: July 1, 2003 ) :  
For: DEPOSITED-FILM )  
FORMATION PROCESS AND ) : April 26, 2006  
FORMATION SYSTEM )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO RESTRCITION REQUIREMENT

Sir:

In the outstanding Office Action, the Examiner has required restriction between:

Group I, claims 1-14, drawn to a method; or

Group II, claims 15-25, drawn to an apparatus

The Examiner has given as the ground for justifying restriction that the apparatus may be used in an etching process. The grounds for restriction are respectfully traversed.

In comparing independent process claim 1 with independent apparatus claim 15, it will be seen that all the elements recited in the apparatus claim are found in the process claim. Claim 1 is merely the process for conducting deposited film-formation using the apparatus of claim 15.

The last step of the process claim 1 include switching from first and second steps at a stated timing. This is another way of saying that the switching is conducted from the first to the second step on the basis of a value detected by a means for detecting a stated film-forming parameter, as set forth in claim 15. The Examiner's attention is directed to specification page 14 and page 17, lines 3-19 in which it is disclosed that these features are the same. Accordingly, it is submitted that claim 15 is a linking claim which is akin to a claim to means for practicing the process steps of claim 1 and which links related apparatus and process claims.

For the purpose of this restriction requirement, Applicants provisionally elect, with traverse, the claims of Group I, claims 1-14. It is respectfully requested that under M.P.E.P. §§809.03 and 821.04, that once the elected claims are found allowable, then the claims of Group II, directed to the linked apparatus, should be rejoined.

An early and favorable action on the merits is respectfully requested.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



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